

Subsection (b)(11) is a technical and conforming amendment relating to the amendment made by subsection (b)(9).

Subsection (c)(1) strikes the term "general welfare" from priority 1 and 2 and strikes priorities 3 thru 5.

Subsection (c)(2) makes a technical and conforming amendment and includes a requirement that amendments to the AML Inventory are subject to the approval of the Secretary.

Subsection (d) makes a technical and conforming amendment.

Subsection (e) authorizes the Rural Abandoned Mine Program to receive general fund appropriations.

Subsection (f) updates requirements relating to the filing of liens.

Subsection (g) updates section 409 primarily by including references to Indian tribes, clarifying that annual grants may be used for projects under the section excluding amounts received under the historic coal production supplemental grant program, and clarifying that States and Tribes rather than the Secretary make expenditures under the section subject to the approval of the Secretary. Provision is made allowing continued eligibility under section 409 after a State or tribe has certified the completion of all coal priority 1 and 2 projects but has not yet completed other remaining coal projects under section 411.

Subsection (h) rewrites the section 411 certification program in two significant ways. First, it allows the Secretary or a third party (in addition to a State or Tribe as under current law) to seek the certification of the completion of all coal priorities on eligible lands and waters. Second, provision is made to require certification after the completion of coal priority 1 and 2 projects. Once this occurs, a State or Tribe would commence other remaining coal projects eligible under section 404 (former priority 3 projects) prior to undertaking non-coal projects. Provisions relating to non-coal projects remain unchanged from current law.

Subsection (i) strikes a moribund provision in section 413.

Section 3, free-standing provisions—

Subsection (a) provides that reclamation fees credited to the Rural Abandoned Mine Program but not appropriated in the past be available for historic coal production supplemental grants. An amendment also provides for the transfer of interest not transferred in the past to the Combined Benefit Fund.

Subsection (b) requires the Secretary to review all additions to the AML Inventory made since December 31, 1998. Provision is made deeming projects listed in the inventory under the "general welfare" standard as being ineligible under section 403(a) and may only be carried out under section 411(c)(1). Provision is made for the Inspector General to evaluate the review and together with the Secretary report the results to committees of the House and Senate. Provision is also made requiring the Inspector General to conduct an annual review of any amendments to the inventory.

Subsection (c) is a savings clause noting that nothing in the legislation affects any

State or Tribal certification made before the date of enactment of the bill.

FEDERAL EMPLOYEE DEPENDENT CARE ASSISTANCE PROGRAM, H.R. 252

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 2001

Mr. GILMAN. Mr. Speaker, today I am introducing legislation, which will benefit Federal employees around the country. This bill will provide our Federal employees with a benefit that many of their counterparts in the private sector enjoy.

The time has finally arrived for the Federal Government to become more competitive with the private sector to help gain and retain qualified employees. The private sector has been able to hire the best and brightest employees and offer competitive benefits and pay while the Federal Government has seen its top workers flee for the higher paying jobs of the private sector.

By providing employees with the opportunity to participate in the Dependent Care Assistance Program (DCAP), we are giving parents more flexibility and choices when it comes to paying for child care. DCAP is similar to a medical savings account in that an employee can choose to set aside a portion of their income without it being taxed, for the sole purpose of paying for child care expenses. This type of program is used widely in the public sector and it is high time for Federal Employees to be able to use this program as well.

Moreover, this legislation sets an example for those businesses that do not offer similar benefits to their employees. For years, the Federal government has been a model for the private sector especially in the area of employee provided health care benefits and coverage of medical procedures and it is our hope that this legislation will inspire more businesses to offer similar benefits to their employees.

Accordingly, I am pleased to be sponsoring this legislation and I am confident that by affording our Federal employees their benefit, we will help to create a more family friendly Federal Government.

Mr. Speaker, I submit a full copy of this Text of H.R. 252 to be inserting at this point in the RECORD:

H.R. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEPENDENT CARE ASSISTANCE PROGRAM FOR FEDERAL EMPLOYEES.

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 87 the following:

"CHAPTER 88—DEPENDENT CARE ASSISTANCE PROGRAM

"§ 8801. Definitions

"(a) For the purpose of this chapter, 'employee' means—

"(1) an employee as defined by section 2105 of this title;

"(2) a Member of Congress as defined by section 2106 of this title;

"(3) a Congressional employee as defined by section 2107 of this title;

"(4) the President;

"(5) a justice or judge of the United States appointed to hold office during good behavior (i) who is in regular active judicial service, or (ii) who is retired from regular active service under section 371(b) or 372(a) of title 28, United States Code, or (iii) who has resigned the judicial office under section 371(a) of title 28 with the continued right during the remainder of his lifetime to receive the salary of the office at the time of his resignation;

"(6) an individual first employed by the government of the District of Columbia before October 1, 1987;

"(7) an individual employed by Gallaudet College;

"(8) an individual employed by a county committee established under section 590h(b) of title 16;

"(9) an individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838); and

"(10) an individual appointed to a position on the office staff of a former President, or a former Vice President under section 4 of the Presidential Transition Act of 1963, as amended (78 Stat. 153), who immediately before the date of such appointment was an employee as defined under any other paragraph of this subsection;

but does not include—

"(A) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

"(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone; or

"(C) an employee excluded by regulation of the Office of Personnel Management under section 8716(b) of this title.

"(b) For the purpose of this chapter, 'dependent care assistance program' has the meaning given such term by section 129(d) of the Internal Revenue Code of 1986.

§ 8802. Dependent care assistance program

"The Office of Personnel Management shall establish and maintain a dependent care assistance program for the benefit of employees."